

115TH CONGRESS  
1ST SESSION

# H. R. 1004

To amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2017

Mr. WALBERG (for himself, Mr. CARTER of Georgia, Mr. MEADOWS, Mr. NEWHOUSE, Mr. GOSAR, and Mr. FARENTHOLD) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Regulatory Integrity  
5       Act of 2017”.

1   **SEC. 2. PUBLICATION OF INFORMATION RELATING TO**  
2                   **PENDING REGULATORY ACTIONS.**

3       (a) AMENDMENT.—Chapter 3 of title 5, United  
4 States Code, is amended by inserting after section 306 the  
5 following new section:

6   **“§ 307. Information regarding pending agency regu-**  
7                   **latory action**

8       “(a) DEFINITIONS.—In this section:

9               “(1) AGENCY REGULATORY ACTION.—The term  
10       ‘agency regulatory action’ means guidance, policy  
11       statement, directive, rule making, or adjudication  
12       issued by an Executive agency.

13               “(2) PUBLIC COMMUNICATION.—The term  
14       ‘public communication’—

15               “(A) means any method (including written,  
16       oral, or electronic) of disseminating information  
17       to the public, including an agency statement  
18       (written or verbal), blog, video, audio recording,  
19       or other social media message; and

20               “(B) does not include a notice published in  
21       the Federal Register pursuant to section 553 or  
22       any requirement to publish pursuant to this  
23       section.

24               “(3) RULE MAKING.—The term ‘rule making’  
25       has the meaning given that term under section 551.

26       “(b) INFORMATION TO BE POSTED ONLINE.—

1           “(1) REQUIREMENT.—The head of each Execu-  
2       tive agency shall make publicly available in a search-  
3       able format in a prominent location either on the  
4       website of the Executive agency or in the rule mak-  
5       ing docket on Regulations.gov the following informa-  
6       tion:

7           “(A) PENDING AGENCY REGULATORY AC-  
8       TION.—A list of each pending agency regulatory  
9       action and with regard to each such action—

10           “(i) the date on which the Executive  
11       agency first began to develop or consider  
12       the agency regulatory action;

13           “(ii) the status of the agency regu-  
14       latory action;

15           “(iii) an estimate of the date of upon  
16       which the agency regulatory action will be  
17       final and in effect; and

18           “(iv) a brief description of the agency  
19       regulatory action.

20           “(B) PUBLIC COMMUNICATION.—For each  
21       pending agency regulatory action, a list of each  
22       public communication about the pending agency  
23       regulatory action issued by the Executive agen-  
24       cy and with regard to each such communica-  
25       tion—

1                         “(i) the date of the communication;  
2                         “(ii) the intended audience of the  
3                         communication;  
4                         “(iii) the method of communication;  
5                         and  
6                         “(iv) a copy of the original commu-  
7                         nication.

8                 “(2) PERIOD.—The head of each Executive  
9                 agency shall publish the information required under  
10                paragraph (1)(A) not later than 24 hours after a  
11                public communication relating to a pending agency  
12                regulatory action is issued and shall maintain the  
13                public availability of such information not less than  
14                5 years after the date on which the pending agency  
15                regulatory action is finalized.

16                 “(c) REQUIREMENTS FOR PUBLIC COMMUNICA-  
17                 TIONS.—

18                 “(1) IN GENERAL.—Any public communication  
19                 issued by an Executive agency that refers to a pend-  
20                 ing agency regulatory action—

21                 “(A) shall specify whether the Executive  
22                 agency is considering alternatives;

23                 “(B) shall specify whether the Executive  
24                 agency is accepting or will be accepting com-  
25                 ments; and

1               “(C) shall expressly disclose that the Executive  
2               agency is the source of the information to  
3               the intended recipients.

4               “(2) RESTRICTION.—Any public communication  
5               issued by an Executive agency that refers to a pending  
6               agency regulatory action, other than an impartial  
7               communication that requests comment on or  
8               provides information regarding the pending agency  
9               regulatory action, may not—

10               “(A) directly advocate, in support of or  
11               against the pending agency regulatory action,  
12               for the submission of information to form part  
13               of the record of review for the pending agency  
14               regulatory action;

15               “(B) appeal to the public, or solicit a third  
16               party, to undertake advocacy in support of or  
17               against the pending agency regulatory action;  
18               or

19               “(C) be directly or indirectly for publicity  
20               or propaganda purposes within the United  
21               States unless otherwise authorized by law.

22               “(d) REPORTING.—

23               “(1) IN GENERAL.—Not later than January 15  
24               of each year, the head of an Executive agency that  
25               communicated about a pending agency regulatory

1 action during the previous fiscal year shall submit to  
2 each committee of Congress with jurisdiction over  
3 the activities of the Executive agency a report indi-  
4 cating—

5 “(A) the number pending agency regu-  
6 latory actions the Executive agency issued pub-  
7 lic communications about during that fiscal  
8 year;

9 “(B) the average number of public commu-  
10 nications issued by the Executive agency for  
11 each pending agency regulatory action during  
12 that fiscal year;

13 “(C) the 5 pending agency regulatory ac-  
14 tions with the highest number of public commu-  
15 nications issued by the Executive agency in that  
16 fiscal year; and

17 “(D) a copy of each public communication  
18 for the pending agency regulatory actions iden-  
19 tified in subparagraph (C).

20 “(2) AVAILABILITY OF REPORTS.—The head of  
21 an Executive agency that is required to submit a re-  
22 port under paragraph (1) shall make the report pub-  
23 licly available in a searchable format in a prominent  
24 location on the website of the Executive agency.”.

1           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 The table of sections for chapter 3 of title 5, United States  
3 Code, is amended by adding after the item relating to sec-  
4 tion 306 the following new item:

“307. Information regarding pending agency regulatory action.”.

